

Notice of Allowability

Application No.

09/937,946

Examiner

Sheridan L. Swope

Applicant(s)

ROMAN ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to June 6, 2007.
2. ☒ The allowed claim(s) is/are 7-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Applicant's response, on June 6, 2007, to the Action on the Merits of this case mailed March 6, 2007, is acknowledged. It is acknowledged that Applicants have cancelled Claims 8, 38, and 40, amended Claims 1, 7, 17, 37, 39, 41, and 42, and added New Claim 45. Claims 1, 7-11, 15, 17, 37, 39, and 41-45 are pending and are hereby considered.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Specification

In the specification, page 1, lines 5-6, replace –This application claims the benefit of U.S. provisional application, Serial Number 60/245,638, filed on November 3, 2000.– with – This application is a filing under 35 USC 371 of PCT/US01/27605, filed September 6, 2001, and claims the benefit of U.S. provisional application, Serial Number 60/245,638, filed on November 3, 2000.

Claims

Cancel Claims 1, 15, 17, 37, 39, and 41-45.

Authorization for this examiner's amendment was given in a telephone interview with Zhibin Ren on August 8, 2007.

Allowable Subject Matter

Claims 7-11 are allowed.

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The following is an examiner's statement of reasons for allowance:

All allowed claims, Claims 7-11, are limited to a method for treating a cerebral vascular disease using the 20-HETE synthesizing enzyme inhibitor HET0016. The utility of said method, as a means for treating a cerebral vascular disease, is credible based on the following evidence, which is provided by the specification. The effect of subarachnoid hemorrhage to elevate the concentration of 20-HETE in the cerebrospinal fluid is inhibited by HET0016 (Fig 4).

Moreover, the effect of subarachnoid hemorrhage to suppress cerebral blood flow is inhibited by HET0016 (Fig 2), while the infarct volume, as a result of middle cerebral artery occlusion, is reduced by HET0016 (Fig 6). Thus, treatment with HET0016 suppresses damaging effects associated with cerebral vascular disease. Therefore, the recited method has a specific and substantial, patentable utility.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan L. Swope whose telephone number is 571-272-0943.


The examiner can normally be reached on M-F; 9:30-7 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheridan Lee Swope, Ph.D.
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SHERIDAN SWOPE, PH.D.
PRIMARY EXAMINER